

Town Board Minutes

**Meeting
No. 38**

Special Meeting

November 4, 2002

Town Board Minutes

November 4, 2002

Meeting No. 38

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 4th day of November 2002, at 6:30 PM and there were

PRESENT: ROBERT GIZA, SUPERVISOR
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
REBECCA ANDERSON, PLANNING BOARD MEMBER
JOHN GOBER, PLANNING BOARD MEMBER
STANLEY KEYSA, PLANNING BOARD CHAIRMAN*
MICHAEL MYSZKA, PLANNING BOARD MEMBER

ABSENT: RICHARD ZARBO, COUNCIL MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

Chairman Keysa recused himself because he is representing the applicant in mortgage proceedings.

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for one (1) action.

**IN THE MATTER OF THE SEQR REVIEW OF THE
ALBERTI LANDSCAPING, INC. SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Alberti Landscaping, Inc. site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER GOBER
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:**

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:
ALBERTI LANDSCAPING, INC. SITE PLAN MATTER
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 2.07 acres.

The location of the premises being reviewed is situate at 491 Erie Street, Town of Lancaster, County of Erie, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type I threshold in 6 NYCRR, Part 617.4.
- B. The action will not receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
 - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

No significant adverse effects noted, however in their communication dated October 17, 2002 the New York State Department of Environmental Conservation notes "environmental concern over the potential need for solid waste disposal during the construction of new buildings."

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

No significant adverse effects noted
- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

No significant adverse effects noted
- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

No significant adverse effects noted
- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

No significant adverse effects noted
- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

No significant adverse effects noted
- C.7 Other impacts (including changes in use of either quantity or type of energy).

No significant adverse effects noted

- D. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
- E. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s _____
Robert H. Giza, Supervisor
Town of Lancaster

SEAL

November 4, 2002

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	WAS RECUSED
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	WAS ABSENT

The Notice of Determination was thereupon adopted.

November 4, 2002

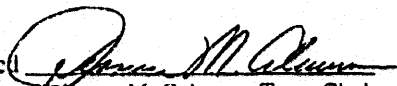
ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER STEMPIAK AND SECONDED
BY COUNCIL MEMBER RUFFINO FOR ADJOURNMENT OF THE MEETING, on roll,
which resulted as follows:**

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	WAS RECUSED
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	WAS ABSENT

The meeting was adjourned at 6:43 P.M.

Signed


Johanna M. Coleman, Town Clerk

Town Board Minutes

Meeting No. 39

Regular Meeting

November 4, 2002

Town Board Minutes

November 4, 2002

Meeting No. 39

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 4th day of November 2002 at 8:00 P.M. and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: RICHARD ZARBO, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR
CHRISTINE FUSCO, ASSESSOR
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

EXECUTIVE SESSION:

UPON MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER STEMPIAK by roll call vote, to deliberate in Executive Session for the announced purpose of discussing disciplinary matters related to particular personnel which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

At 10:04 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Davis, Jeff, 218 Calumet Street, spoke to the Town Board on the following matter:

- Questions about the resolution with the Village of Depew for 2003-2004 Community Development Block Grant funds.

Colby, Jeremy, 9 Broadmoor Court, spoke to the Town Board on the following matter:

- Comments about the Draft Environmental Impact Statement for Pleasant Meadows Subdivision.
- Requests the Town to extend the public comment period and that a public hearing be held on the project.

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Inquired about the status of the William Street pump station in regards to the time table for completion.
- Asked questions about the 2003 Budget.
- Comments about the Budget Public Hearing.

Juszczak, Joseph, 600 Pleasant View Drive, spoke to the Town Board on the following matters:

- Comments about the time sheet of the Police Chief from the year 1990.

Korez, Richard, 4946 William Street, spoke to the Town Board on the following matters:

- Questions about reforestation fees paid as a part of building permit fees.
- Asked questions about left turn arrows at William Street & Aurora Street intersection.
- Complained about hours of gas delivery at Aurora Markets.

Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matters:

- Questions about New York State Department of Transportation reconstruction of Genesee Street & Townline Road.
- Questions about Lancaster Airport project.
- Questions about the pump station agreement resolution.
- Questions about the resolution regarding Lafarge Corporation.

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:

- Questions about changes pending to building permit fees.
- Questions about Dumping Permit at 529 Erie Street.

PUBLIC HEARING SCHEDULED FOR 8:00 P.M.:

At 8:04 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Permit and Application Fees Ordinance, specifically Chapter 30, Section 30-25 - Recreation Filing Fee.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Gloria Kubicki	15 Maple Drive	Opponent
Jim Brett	659 Harris Hill Road	Questions
Paul Przybysz	66 Northwood Drive	Questions
Roy Schneggenburger	87 Stony Road	Questions

ON MOTION BY COUNCIL MEMBER STEMPNIAK, AND SECONDED BY COUNCIL MEMBER RUFFINO, FOR ADJOURNMENT OF THE PUBLIC HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:22 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

November 4, 2002

PUBLIC HEARING SCHEDULED FOR 8:10 P.M.:

At 8:23 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Permit and Application Fees Ordinance, specifically Chapter 30. Section 30-26 - Tree reforestation Fee.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Gary Howell	48 Park Blvd	Questions

ON MOTION BY COUNCIL MEMBER RUFFINO, AND SECONDED BY COUNCIL MEMBER MONTOUR, FOR ADJOURNMENT OF THE PUBLIC HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:28 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

November 4, 2002

PUBLIC HEARING SCHEDULED FOR 8:20 P.M.:

At 8:28 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Permit and Application Fees Ordinance, specifically Chapter 30, Section 30-27 Conservation Fee.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
None		

ON MOTION BY COUNCIL MEMBER MONTOUR, AND SECONDED BY COUNCIL MEMBER RUFFINO, FOR ADJOURNMENT OF THE PUBLIC HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:30 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

November 4, 2002

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed Local Law of the Year 2002, which Local Law repeals in its entirety Section 30-40 Of Article II of Chapter 30 of the Code of the Town of Lancaster - Public Safety Impact Fee.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Jim Brett	659 Harris Hill Road	Comments

ON MOTION BY COUNCIL MEMBER MONTOUR, AND SECONDED BY COUNCIL MEMBER STEMPNIAK, FOR ADJOURNMENT OF THE PUBLIC HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:34 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

November 4, 2002

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board Held
October 21, 2002 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 4, 2002

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the New York State Department of Transportation (DOT) is about to engage in improvements on Route 33 (Genesee Street) at Townline Road, said project being identified as "NY ROUTE 33 @ GENESEE STREET, PART 2 & 3, SH 1213 & 1214, INTERSECTION WITH TOWNLINE ROAD, CR 335, TOWNS OF LANCASTER AND ALDEN, ERIE COUNTY, PIN 5512.38.122", and

WHEREAS, by letter dated October 7, 2002, the DOT has requested permission to relocate a water line, hydrants and appurtenances owned by the Town of Lancaster necessitated by the improvement, at no cost to the Town, and

WHEREAS, DOT has submitted a written contract (HC-140) covering said relocation which provides in Section VI thereof that the Town authorize the adjustment to the Town owned water line and further that the Town agrees that it will thereafter maintain the facilities so adjusted, and

WHEREAS, after due review and consideration the Town Board deems it appropriate to enter into the agreement with New York State DOT.

NOW THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized to execute Form HC 140, entitled "New York State Department of Transportation Utility Work Agreement" and forward same to the New York State Department of Transportation.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 4, 2002

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Donald Gallo, P.C. 589 Delaware Avenue, Buffalo, New York 14202,
Consulting Engineer for the Town of Lancaster Senior Center building addition, submitted Change
Order No. 3 in the amount of \$3,200 for the Senior Center building addition to the Town Board for their
approval.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change
Order No. 3 to Donald Gallo, Consulting Engineer, with respect to the Senior Center according to the
following description of a change to the contract:

DESCRIPTION OF CHANGE ORDER NO.3:

Increase for Resident Services

CHANGE ORDER NO. 3:

The original Contract sum was	\$6,300
Net change by previously authorized Change Orders	\$3,000
The Contract Sum prior to this Change Order was	\$9,300
The Contract Sum will be increased by this Change Order in the amount of	\$3,200
The new Contract Sum increased including this Change Order will be	\$12,500

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this change
order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll
call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 4, 2002

File: rchange.ord (13)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR. TO WIT:

WHEREAS, Dana Warman, P.O. Box 865, Buffalo, New York 14213, has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Walnut Creek Subdivision, Phase II, Part IV, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 565 of Dana Warman, P.O. Box 865, Buffalo, New York 14213, for the installation of:

P.I.P. No. 565
(Street Lights)

All wire conduits, poles, lamps, lampholders, photocells, and other appurtenances required in the installation of four (4) street lights on Thomas Drive and four (4) street lights on Nottingham Lane within Walnut Creek Subdivision, Phase II, Part IV

be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 4, 2002

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Mark J. Alberti, d/b/a Alberti Landscaping, 491 Erie Street, Lancaster, New York, has submitted a Site Plan prepared by King Consulting Engineers, P.C. dated October 4, 2002 and received October 4, 2002 for the construction of two (2) 48' x 108' storage buildings located at 491 Erie Street, in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan, and at its meeting October 16, 2002, has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held November 4, 2002 and a negative declaration was issued at that time.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Mark J. Alberti prepared by King Consulting Engineers, P.C. and dated October 4, 2002 and received October 4, 2002 for the construction of two (2) 48' x 108' storage buildings located at 491 Erie Street, in the Town of Lancaster contingent on the following conditions:

- Second building from the street will be moved 5' to the south.
- Landscaping as approved by General Crew Chief Terrance McCracken to be completed no later than June 1, 2003.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 4, 2002

File: rspalberti102

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA . WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, proposed Local Law No. 4 of the Year 2002 repealing and deleting §30-40 entitled "Public Safety Impact Fee" of Article II of Chapter 30 - Planning and Development Fees of the Code of the Town of Lancaster was introduced to the Town Board of the Town of Lancaster on October 21, 2002, and

WHEREAS, a public hearing was duly called and held pursuant to law on November 4, 2002, and

WHEREAS, after due review and consideration, the Town Board deems it in the public interest to cause the repeal of §30-40 entitled "Public Safety Impact Fee" charged on building permits for new dwellings.

NOW, THEREFORE, BE IT

ENACTED by the Town Board of the Town of Lancaster, Local Law No. 4 of the Year 2002, repealing and deleting §30-40 entitled "Public Safety Impact Fee" of Article II of Chapter 30 - Planning and Development Fees of the Code of the Town of Lancaster.

PLANNING AND DEVELOPMENT FEES

CHAPTER 30 - ARTICLE II

§30-40 - PUBLIC SAFETY IMPACT FEE

LOCAL LAW NO. 4

OF THE YEAR 2002

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY DELETING IN ITS ENTIRETY §30-40 ENTITLED "PUBLIC SAFETY IMPACT FEE" OF ARTICLE II OF CHAPTER 30 - PLANNING AND DEVELOPMENT FEES.

BE IT ENACTED by the Town Board of the Town of Lancaster, as follows:

SECTION 1: That §30-40 "Public Safety Impact Fee" of Article II of Chapter 30 - Planning and Development Fees be and is hereby repealed in its entirety.

SECTION 2. This Local Law shall become effective upon filing with the Office of the Secretary of State.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Lancaster shall:

1. Immediately post a copy of Local Law No. 4 of the Year 2002 on the Town Bulletin Board.
2. Within ten (10) days, publish a certified copy of the Local Law abstract thereof describing the same in general terms in the Lancaster Bee, declared the official newspaper for this publication.
3. Maintain a file in the Town Clerk's Office on Local Law No. 4 of the Year 2002, with all proofs of publication and posting required for adoption.
4. File one (1) certified copy of Local Law No. 4 of the Year 2002 within ten (10) days of adoption with the Office of the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 4, 2002

File: rlocallawplanninganddevelopmentfees1102

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 4
OF THE YEAR 2002
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on November 4, 2002, Local Law No. 4 of the Year 2002, deleting and repealing §30-40 "Public Safety Impact Fee" of Article II of Chapter 30 - Planning and Development Fees of the Code of the Town of Lancaster briefly described as follows:

"A Local Law which repeals Section 30-40 "Public Safety Impact Fee" of Article II of Chapter 30 - Planning and Development Fees of the Code of the Town of Lancaster.

This Local Law sets forth the Public Safety Impact Fee charged on building permits for new dwellings."

November 4, 2002

**STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :**

THIS IS TO CERTIFY, that I, **JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in said County of Erie, have compared the foregoing copy of a Legal Notice of Adoption of Local Law No. 4 of the Year 2002, with the original thereof filed in my office at Lancaster, New York, on the 4th day of November, 2002, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 4th day of November, 2002.

Johanna M. Coleman, Town Clerk

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**
Town Clerk

November 4, 2002

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

WHEREAS, upon reviewing the budgetary accounts of the Town of Lancaster,
the Supervisor has determined the need for various adjustments to the 2002 Adopted Budget of
the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED that the following Budget Amendments be and are hereby
approved in the 2002 adopted budget of the Town of Lancaster:

	<u>Increase</u>
General Fund - Townwide	
General Ledger Accounts:	
A599 Appropriated Fund Balance	132,000
A960 Budget Appropriations	132,000

Subsidiary Revenue Ledger Accounts:
N/A

Subsidiary Appropriation Ledger Accounts:	
A1910.411 Unallocated Insurance	60,000
A7410.422 Lancaster Library - Buildings & Grounds	22,500
A7411.422 Depew Library - Buildings & Grounds	7,000
A9010.801 NYS Retirement	17,000
A9040.804 Workers' Compensation - Employees	9,500
A9040.810 Workers' Compensation - Ambulance	3,500
A9060.114 Health Insurance Buyout	<u>12,500</u>
	132,000

General Fund - Town Outside Villages	
General Ledger Accounts:	
B599 Appropriated Fund Balance	82,315
B960 Budget Appropriations	82,315

Subsidiary Revenue Ledger Accounts:
N/A

Subsidiary Appropriation Ledger Accounts:	
B8020.403 Planning Board - Printing & Advertising	1,200
B8020.410 Planning Board - Professional Services	11,615
B9010.801 NYS Retirement	1,500
B9040.804 Workers' Compensation - Employees	26,000
B9060.114 Health Insurance Buyout	5,700
B9060.808 Health Insurance	36,300
	82,315

Highway Fund - Town Outside Villages	
General Ledger Accounts:	
DB599 Appropriated Fund Balance	121,100
DB960 Budget Appropriations	121,100

Subsidiary Revenue Ledger Accounts:
N/A

Subsidiary Appropriation Ledger Accounts:

DB5110.115 General Repairs - Retirement Sell Backs	48,000
DB5130.210 Machinery - Equipment	10,000
DB5142.225 Snow Removal - Trucks and Related Equipment	10,000
DB9010.801 NYS Retirement	10,000
DB9040.804 Workers' Compensation - Employees	21,000
DB9060.114 Health Insurance Buyout	2,100
DB9060.808 Health Insurance	<u>20,000</u>
	121,100

Special Districts - Fire Protection District**General Ledger Accounts:**

SF510 Estimated Revenues	25,000
SF960 Budget Appropriations	25,000

Subsidiary Revenue Ledger Accounts:

SF5031 Interfund Transfers In From Public Safety Impact Fee	25,000
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Subsidiary Appropriation Ledger Accounts:

SF3410.482 Volunteer Firefighters' W/C Insurance/Expenses	15,000
SF3410.483 Fire Hydrant Repairs	<u>10,000</u>
	25,000

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONT'OUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 4, 2002

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, a Public Hearing was held on the 4th day of November, 2002, for the purpose of amending Chapter 30, of the Code of the Town of Lancaster, entitled "Permit and Application Fees", and persons for and against such amendments have had an opportunity to be heard, and

WHEREAS, the Notice of said Public Hearing was duly published and posted,
and

WHEREAS, after due review and consideration the Town Board of the Town of Lancaster deems it in the public interest to cause an increase in the recreation filing fee paid on building permits for new dwelling units.

NOW, THEREFORE, BE IT

RESOLVED, that Chapter 30, Permit and Application Fees Ordinance of the Code of the Town of Lancaster be amended as follows:

(1) §30-25. Recreation filing fee. (B) (1) and (2) shall be amended to read as follows:

 "§30-25. Recreation filing fee.

 B.....

1. Single-family dwelling: Twelve hundred dollars (\$1,200) per lot.
2. Multiple dwelling: Twelve hundred dollars (\$1,200) for each dwelling unit.

and

BE IT FURTHER

RESOLVED, as follows:

1. That said Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 4th day of November, 2002, and further that the amendment shall be effective as of the date of filing of the Local Law No. 4 of the year 2002 entitled "Public Safety Impact Fee" in the office of the Secretary of State.

2. That a certified copy thereof be published in the Lancaster Bee on November 7, 2002;

3. That a certified copy of this Amendment be posted on the Town Bulletin Board; and

4. That Affidavits of Publication and Posting be filed with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 4, 2002

**LEGAL NOTICE
NOTICE OF AMENDMENT TO
PERMIT AND APPLICATION FEES ORDINANCE
TOWN OF LANCASTER**

Chapter 30, "Permit and Application Fees" Ordinance of the Code of the Town of Lancaster, County of Erie, State of New York, is hereby amended as follows:

- (1) §30-25. Recreation filing fee. (B) (1) and (2) shall be amended to read as follows:

"§30-25. Recreation filing fee.

B.....

1. Single-family dwelling: Twelve hundred dollars (\$1,200) per lot.
2. Multiple dwelling: Twelve hundred dollars (\$1,200) for each dwelling unit."

November 4, 2002

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :

THIS IS TO CERTIFY that I, JOHANNA M. COLEMAN, Town Clerk and Registrar of Vital Statistics of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of a LEGAL NOTICE of AMENDMENT OF ORDINANCE with the original thereof filed in my office at Lancaster, New York, on the 4th day of November, 2002, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 4th day of November, 2002.

Town Clerk and Registrar of Vital Statistics

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, a Public Hearing was held on the 4th day of November, 2002, for the purpose of amending Chapter 30, of the Code of the Town of Lancaster, entitled "Permit and Application Fees", and persons for and against such amendments have had an opportunity to be heard, and

WHEREAS, the Notice of said Public Hearing was duly published and posted,
and

WHEREAS, after due review and consideration the Town Board of the Town of Lancaster deems it in the public interest to cause an increase in the tree reforestation fee paid on building permits for new dwelling units.

NOW, THEREFORE, BE IT

RESOLVED, that Chapter 30, Permit and Application Fees Ordinance of the Code of the Town of Lancaster be amended as follows:

(1) §30-26. Tree reforestation fee. (A) shall be amended to read as follows:

"§30-26. Tree reforestation fee.

.....

A. Single-family dwelling: \$250 per lot.

and

BE IT FURTHER

RESOLVED, as follows:

1. That said Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 4th day of November, 2002, and further that the amendment shall be effective as of the date of filing of the Local Law No. 4 of the year 2002 entitled "Public Safety Impact Fee" in the office of the Secretary of State.

2. That a certified copy thereof be published in the Lancaster Bee on November 7, 2002.

3. That a certified copy of this Amendment be posted on the Town Bulletin Board.

4. That Affidavits of Publication and Posting be filed with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 4, 2002

**LEGAL NOTICE
NOTICE OF AMENDMENT TO
PERMIT AND APPLICATION FEES ORDINANCE
TOWN OF LANCASTER**

Chapter 30, "Permit and Application Fees" Ordinance of the Code of the Town of Lancaster, County of Erie, State of New York, is hereby amended as follows:

(1) §30-26. Tree reforestation fee. (A) shall be amended to read as follows:

"§30-26. Tree reforestation fee.

.....
A. Single-family dwelling: \$250 per lot."

November 4, 2002

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :

THIS IS TO CERTIFY that I, JOHANNA M. COLEMAN, Town Clerk and Registrar of Vital Statistics of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of a LEGAL NOTICE OF AMENDMENT OF ORDINANCE with the original thereof filed in my office at Lancaster, New York, on the 4th day of November, 2002, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 4th day of November, 2002.

Town Clerk and Registrar of Vital Statistics

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER STEMPNIAK. TO WIT:

WHEREAS, Joseph and Virginia Hill, 529 Erie Street, Lancaster, New York 14086
have applied for a Dumping Permit for property situated at 521 Erie Street, within the Town of
Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer
for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review
and made a formal, favorable recommendation to the Town Board.

NOW, THEREFORE, BE IT

RESOLVED, that Joseph And Virginia Hill, 529 Erie Street, Lancaster, New York
14086 be and are hereby authorized to dump and dispose of materials outside permitted sanitary
landfills within the Town of Lancaster, namely on premises owned by the applicants at 521 Erie Street,
said dumping to be in strict conformance with the application of the petitioners as filed in the Office of
the Town Clerk, and

BE IT FURTHER

RESOLVED, that this permit is conditioned in accordance with the recommendations
of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of hard clay, stones, broken concrete or asphalt. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. The applicants should be aware that if they intend to build on any filled area, the foundation shall be extended to original soil.
3. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
4. Dirt tracked on the road must be cleaned on a daily basis and more often if necessary. The Town of Lancaster Police shall stop operation immediately upon complaint of dirty road. Driveway for hauling fill shall be stoned with #3 or #4 stone for 50' from the edge of Erie Street.
5. Fill area shall be topsoiled and seeded upon completion of filling.
6. Dumping will be allowed between the hours of 7 A.M. and 8 P.M. Monday through Saturday. No dumping shall be allowed on Sunday.
7. Dust from the site shall also be prevented from migrating off site.

8. Storm runoff shall be directed to the south side of the proposed fill area and the roadside ditches.
9. Height of fill shall be no higher than 18" above the grade at the centerline of Eric Street.
10. The source of the fill material has been identified as road excavation material project in the Town of Lancaster.

BE IT FURTHER

RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein expires one year from date of this resolution.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 4, 2002

File: RPERMIT.DUM(3-4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, a Public Hearing was held on the 4th day of November, 2002, for the purpose of amending Chapter 30, of the Code of the Town of Lancaster, entitled "Permit and Application Fees", and persons for and against such amendments have had an opportunity to be heard, and

WHEREAS, the Notice of said Public Hearing was duly published and posted,
and

WHEREAS, after due review and consideration, the Town Board deems it in the public interest to cause the repeal of the impact fee for conservation charged on building permits for new dwellings.

NOW, THEREFORE, BE IT

RESOLVED, that Chapter 30, Permit and Application Fees Ordinance of the Code of the Town of Lancaster be amended as follows:

- (1) Repeal §30-27, Conservation Fee, in its entirety.

and

BE IT FURTHER

RESOLVED, as follows:

11. That said Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 4th day of November, 2002, and further that the amendment shall be effective as of the date of filing of the Local Law No. 4 of the year 2002 entitled "Public Safety Impact Fee" in the office of the Secretary of State.

12. That a certified copy thereof be published in the Lancaster Bee on November 7, 2002.

13. That a certified copy of this Amendment be posted on the Town Bulletin Board.

14. That Affidavits of Publication and Posting be filed with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 4, 2002

File: remservationfor1102

**LEGAL NOTICE
NOTICE OF AMENDMENT TO
PERMIT AND APPLICATION FEES ORDINANCE
TOWN OF LANCASTER**

Chapter 30, "Permit and Application Fees" Ordinance of the Code of the Town of Lancaster, County of Erie, State of New York, is hereby amended as follows:

- (1) Repeal §30-27, Conservation Fee, in its entirety.

November 4, 2002

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :

THIS IS TO CERTIFY that I, JOHANNA M. COLEMAN, Town Clerk and Registrar of Vital Statistics of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of a LEGAL NOTICE of AMENDMENT OF ORDINANCE with the original thereof filed in my office at Lancaster, New York, on the 4th day of November, 2002, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 4th day of November, 2002.

Town Clerk and Registrar of Vital Statistics

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA. WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Lancaster Airport, Inc. has received grants from the Federal Aviation Administration to pay 90% of the allowable costs incurred in accomplishing the following projects at Lancaster Airport:

Purchase Snow Removal Equipment
Perform Airport Layout Plan Update
Engineering Design for the Reconstruction and Realignment of Runway
8-26

WHEREAS, the New York State Department of Transportation has offered a matching grant to the Federal grants for 50% of the non-Federal share of eligible costs; and

WHEREAS, the New York State Department of Transportation, under Section 14h of the State Transportation Law, requires privately owned reliever facilities to obtain local municipal support to receive New York State funding.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster endorses the above described projects for the purpose of making the projects eligible for State funding, and

BE IT FURTHER

RESOLVED, that the adoption of this Resolution shall be solely for the purposes stated herein and in no way binds the Town Board, the Planning Board and/or the Zoning Board of Appeals of the Town of Lancaster to any approvals, permits and/or licenses which may be required by the applicant for future projects or work related to Lancaster Airport, and

BE IT FURTHER

RESOLVED that it has heretofore been determined by the Town Board, under Part 617-5(c) of the State Environmental Quality Review Act (SEQR), of the State of New York, that the aforesaid projects to Purchase Snow Removal Equipment; Perform Airport Layout Plan Update; and Engineering Design for the Reconstruction and Realignment of Runway 8-26, including basic data collection, research and engineering studies, constitute a Type II action which will not have significant impact upon the environment. The Supervisor of the Town of Lancaster is hereby authorized to sign and date form DV-21-RI Agency Compliance Statements, as attached herewith, and

BE IT FURTHER

RESOLVED, that this Resolution shall take effect immediately.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
COUNCIL MEMBER GIZA	VOTED YES

November 4, 2002

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board has previously authorized the Supervisor to sign Amendment No. 2 to the Agreement with the Erie County Water Authority for the construction of the pump station, and

WHEREAS, the resolution erroneously stated that the credit to the Town would be in a sum of \$17,000 for the property contributed by the Town on which the pump station will be constructed due to the fact that two separate parcels were appraised and inadvertently the appraisal figures were added together and totaled \$17,000, when in fact the parcel which the water authority is using was appraised at \$7,000. and

WHEREAS, it is now necessary for the Town Board to amend the prior resolution to recite that the agreement will provide a credit to the Town of Lancaster in the sum of \$7,000 for the parcel of land contributed by the Town for the construction of the pump station.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby amends the prior resolution adopted on October 7, 2002 and by changing the credit to the Town from \$17,000 to \$7,000 for the parcel of property owned by the Town on which the pump station will be constructed and that the Supervisor of the Town of Lancaster is authorized to sign Amendment No. 2 in that revised form.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 4, 2002

File: eriecountywaterauthority1102

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau has recommended
the appointment of Charmaine Marks, to the position of Program Coordinator (Youth Board),
part time.

NOW, THEREFORE, BE IT

RESOLVED, that Charmaine Marks, 95 Elm Place, Lancaster, New York
14086 be and is hereby appointed to the position of Program Coordinator (Youth Board), part-
time, retroactive to October 14, 2002, at \$15.54^{45.00} per hour, and that this appointment, being a part
time position, provides no health insurance, sick days, vacation or other fringe benefits not
specifically mandated for part time employees.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call, which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 4, 2002

file: HpersAltperic p1 (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board has been informed that the quarry site now owned by LaFarge Corporation and previously owned by Pine Hill Materials on the south side of Genesee Street east of Pavement Road has been mined beyond a boundary originally set in the permit by DEC, and

WHEREAS, LaFarge Corporation will discontinue any mining in the extension area and will complete remedial and restoration work over that section of the quarry operation, and

WHEREAS, the DEC requires that the Town of Lancaster acknowledge the mine extension beyond the original area and that the Town has no objection to the mining that was done in the remedial and restoration work to be completed by the owner of LaFarge Corporation, and

WHEREAS, the LaFarge Corporation has further offered to convey to the Town of Lancaster approximately 34 acres on the east side of Cemetery Road to ameliorate the beforementioned over mining activity.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the formalization of the extension of the mine 200' which has already occurred some 200' on the west side of the quarry operation as before and above described with the understanding that there will be no further mining on the site and that remediation and restoration will be done with fill material selected by LaFarge Corporation and approved by DEC and that as part of the amelioration of this mistake and extension of the mining operation the Town Board will accept the conveyance of the 34 acres on the east side of Cemetery Road in the Town of Lancaster as has been proposed as a donation from LaFarge Corporation, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster is hereby authorized to execute whatever documents are necessary to effectuate the terms and conditions of this resolution.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 4, 2002

File: rlafarge1102

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, it is in the public interest of the Town of Lancaster to complete and file its Community Development Project Description Forms for community development funding for the year 2003-2004, and

WHEREAS, a public hearing was held by the Town Board of the Town of Lancaster on October 21, 2002 to elicit from the public comments relative to the use of 2003-2004 Community Development Block Grant funds, and

WHEREAS, by suspended resolution dated October 21, 2002, the Town Board of the Town of Lancaster authorized and directed the Supervisor to execute and file the required 2003-2004 Community Development Project Description Application Forms for approval and execution of a contract with the Erie County Community Development Block Grant Program for installation of sidewalks on the south side of William Street, extending from Woodland Apartments to Transit Road, and

WHEREAS, the Village of Depew has requested support in their application for Community Development Block Grant funding.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute and file the required 2003-2004 Community Development Project Description Application Forms for the year 2003-2004 for approval and execution of contract with the Erie County Community Development Block Grant Program, as follows:

1. Sidewalks on the South Side of William (Town of Lancaster)
2. Main Street Sidewalk Reconstruction (Village of Depew)
3. Main/Penora District Revitalization Plan (Village of Depew)

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 4, 2002

File: rcdhgcsponsordepew1102

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by
the Director of Administration and Finance, to wit:

Claim No. 16930 to Claim No. 17115 Inclusive

Total amount hereby authorized to be paid: \$680,353.86

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 4, 2002

File: Relains

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

10029	Ferry Builders Inc	6 Spring Way	Er. Dwlg.-Sin.	
10035	Borkowski, David	28 Schiffler Ct	Er. Deck	
10036	Abendschein, Carol	3717 Bowen Rd	Er. Fence	
10037	Duro-Shed Inc	125 Seneca Pl	Er. Shed	
10038	Ryan Homes	28 Parkedge Dr	Er. Fence	
10039	State Home Improvement	60 Waltham Ave	Er. Shed	(V/L)
10040	Murty, B	13 Traceway	Er. Shed	
10041	Trometter, Michael	84 Steinfeldt Rd	Er. Garage	
10042	Ortolano, Nicholas	1 Stony Brook Dr	Er. Deck	
10043	Duro-Shed Inc	749 Aurora St	Er. Shed	
10044	Parco Bldg Systems	48 Stutzman Rd	Er. Pole Barn	
10045	Hill, David	657 Pleasant View Dr	Er. Res. Add.	
10046	Santoro Signs Inc	46 Central Ave	Er. Sign-Wall	(V/L)
10047	Premier Self Storage	3953 Walden Ave	Er. Sign-Temp	
10048	Musso Plumbing	22 Grant Ave	Repair Sewer	(V/L)
10049	Beauty Pools Inc	210 Nathan's Trl	Er. Fence	
10050	Beauty Pools Inc	210 Nathan's Trl	Er. Pool-In Grnd	
10051	Swimco	30 Parkedge Dr	Er. Pool-In Grnd	
10052	Swimco	30 Parkedge Dr	Er. Fence	
10053	Sheds USA	154 Pleasant View Dr	Er. Shed	
10054	Duro-Shed Inc	5 Summerfield Dr	Er. Shed	
10055	Marrano/Marc Equity Inc	32 Summerfield Dr	Er. Dwlg.-Sin.	
10056	Tiffany Construction	53 Hemlock Ln	Er. Fireplace	
10057	Migliaccio Builders	11 Devonshire Ln	Er. Res. Alt.	
10058	Meadowoods Apartments	4845 Transit Rd	Er. Fence	
10059	Marrano/Marc Equity Inc	4 Peachtree Ct	Er. Dwlg.-Sin.	
10060	Donato Developers Inc	3 Quail Run Ln	Er. Dwlg.-Sin.	
10061	Donato Developers Inc	2 Quail Run Ln	Er. Dwlg.-Sin.	
10062	Sallaj, Firas	5593 Broadway	Er. Res. Alt.	(V/L)
10063	Iroquois Fence	40 Trentwood Trl N	Er. Fence	
10064	Sheds USA Inc	43 Broezel Ave	Er. Shed	(V/L)

10065	Ryan Homes	2 Creekwood Dr	Er. Dwlg.-Sin.	
10066	Forbes Homes	25 Windsor Ridge Dr	Er. Dwlg.-Sin.	
10067	Your Image	4733 Transit Rd	Er. Sign-Temp	
10068	Glamour Pools	33 Quail Run Ln	Er. Pool-In Grnd	
10069	Duro-Shed Inc	6 Nottingham Ln	Er. Shed	
10070	Iroquois Fence Inc	88 Albert Dr	Er. Fence	(V/L)
10071	Ryan Homes Inc	19 Creekwood Dr	Er. Dwlg.-Sin.	
10072	Ryan Homes Inc	17 Creekwood Dr	Er. Dwlg.-Sin.	
10073	English Park Village	338 Harris Hill Rd	Er. Sign-Temp	
10074	Essex Homes of WNY	1 Fox Trace	Er. Dwlg.-Sin.	
10075	Moe, Everett	5071 Transit Rd	Er. Sign-Temp	
10076	All Craft Inc	1 Clermont Ct	Er. Dwlg.-Sin.	
10077	Deck, Paul	47 Quail Run Ln	Er. Res. Add.	
10078	Duro-Shed Inc	8 Buckingham Ct	Er. Shed	
10079	Capital Fence	21 Botimer St	Er. Fence	
10080	Christ Contracting	32 Partridge Walk	Er. Res. Add.	
10081	Duro-Shed Inc	233 Nathan's Trl	Er. Shed	
10082	Tillia, Pamela	11 Windsor Ridge Dr	Er. Deck	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 4, 2002

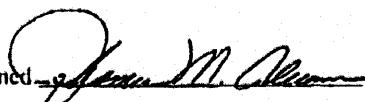
COMMUNICATIONS & REPORTS:

- 929. Building Inspector to Council Member Zarbo -
Reply to request regarding green space fees. DISPOSITION = Received and Filed
- 930. Council Member Montour to Joseph Juszczak -
Letter regarding compensation time for Chief of Police. DISPOSITION = Received and Filed
- 931. NYS DEC to Town Clerk -
Letter regarding Freshwater Wetlands Maps for Erie County. DISPOSITION = Received and Filed
- 932. Lancaster Area Chamber of Commerce to Residents -
Update of Broadway reconstruction. DISPOSITION = Received and Filed
- 933. Safety Coordinator to Town Board -
Minutes of Safety meeting of October 16, 2002. DISPOSITION = Received and Filed
- 934. Highway Superintendent to Cindy Bujanowski -
Reply to letter regarding safety concerns on Harris Hill Road. DISPOSITION = Received and Filed
- 935. NYS DEC to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding Alberti Landscaping; concerns noted. DISPOSITION = Resolution 11/4/02
- 936. NYS DEC to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding Tool Ranch, 3857 Walden Avenue. DISPOSITION = Planning Committee
- 937. Town Clerk to Various News Media -
Notice to media regarding observance of Halloween in the Town. DISPOSITION = Received and Filed
- 938. Town Attorney to Town Board Members, Planning Board Members, Town Clerk, Building Inspector, Town Engineer -
Notice of SEQR meeting on November 4, 2002 at 6:30 PM to review the site plan application of Alberti Landscaping. DISPOSITION = Received and Filed
- 939. Town Clerk to Various News Media -
Notice to media of SEQR meeting on November 4, 2002 at 6:30 PM to review the site plan application of Alberti Landscaping. DISPOSITION = Received and Filed
- 940. NYS Assembly Member Tokasz to Chairman, Empire State Development -
Letter expressing support for application of Uniland Development Company for financial assistance. DISPOSITION = Received and Filed
- 941. Colley's Pools & Spas to Town Board -
Request for refund of Building Permits No. 9946 and No. 9947, 21 Quail Run Lane. DISPOSITION = Received and Filed
- 942. Greater Buffalo-Niagara Regional Transportation Council to Town Board -
Notice of meeting on October 30, 2002 at 9:30 AM. DISPOSITION = Received and Filed
- 943. Multi disciplinary Coordinating Council to Town Board -
Transmittal of report regarding elderly housing and services in Erie County. DISPOSITION = Received and Filed
- 944. Village of Lancaster to Town Board -
Transmittal of Official Minutes of meeting held October 14, 2002. DISPOSITION = Received and Filed

945. Safety Director to Town Board -
Notification of establishment of an Accident Investigation Program and Committee.
DISPOSITION = Received and Filed
946. Town Clerk to Zoning Board Members, Building Inspector, Town Attorney -
Transmittal of legal notice of a Public Hearing to be held November 14, 2002.
DISPOSITION = Received and Filed
947. Town Engineer, Building Inspector to Town Board -
Recommendation to approve dumping permit for Joseph & Virginia Hill, 529 Erie Street. DISPOSITION = Resolution 11/4/02
948. Lancaster Area Chamber of Commerce to Residents -
Update on Broadway reconstruction. DISPOSITION = Received and Filed
949. NYS DEC to Town Clerk -
Letter commemorating 30th anniversary of the Federal Clean Water Act.
DISPOSITION = Received and Filed
950. Community Development Block Grant Coordinator, Village of Depew to Supervisor -
Enclosure of draft applications of Community Development Block Grant grants and request for co-sponsorship. DISPOSITION = Resolution 11/4/02
951. Executive Director, Southeast Works to Town Attorney -
Request for continuation of agreement between Southeast Works and the Town.
DISPOSITION = Town Attorney
952. NYS DEC to LaFarge North America, Inc. -
Notification of permit renewal for Pavement Road West mining operation.
DISPOSITION = Received and Filed
953. President, Bownmansville Volunteer Fire Association to Supervisor -
Request for real property tax exemption for volunteer fire fighters and ambulance workers. DISPOSITION = Received and Filed
954. Buffalo VA Regional Office to Town Board -
Request for support of the Korean War Commemoration Partner Program.
DISPOSITION = Received and Filed
955. NYS DOT to Bob Kunvarji -
Notification of meeting on November 13, 2002 at 2:00 PM regarding the reconstruction of Transit Road within the Town of Lancaster. DISPOSITION = Town Engineer
956. County of Erie, Commissioner of Public Works to Supervisor -
Response to letter of September 27, 2002 requesting improvements to William Street.
DISPOSITION = Planning Committee
957. Residents For Responsible Government, Town of Porter to Supervisor -
Request support of legislation which would prohibit the disposal of contaminated sediment from the Hudson River being transported to the Town of Porter landfill.
DISPOSITION = For Resolution
958. NYS DEC to Town Attorney, Building Inspector -
Notification of Lead Agency Designation to Town of Lancaster with no recommendations regarding Alberti Landscaping Inc. DISPOSITION = Resolution 11/4/02

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MONTOUR AND SECONDED BY THE
ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 10:04 P.M.

Signed 
Johanna M. Coleman, Town Clerk